

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CHANDRA CATES, ET AL., individually and as
representatives of a class of participants and
beneficiaries of the Retirement Plan for Offic-
ers of Columbia University and the Columbia
University Voluntary Retirement Savings Plan,

Plaintiffs,

v.

THE TRUSTEES OF COLUMBIA UNIVERSITY IN
THE CITY OF NEW YORK, ET AL.,

Defendants.

No. 1:16-cv-6524-GBD-SDA

Hon. George B. Daniels

Hon. Stewart D. Aaron

JOINT STIPULATION AND ORDER

1. On August 17, 2016, Plaintiffs Chandra Cates et al., on behalf of the Retirement Plan for Officers of Columbia University and the Columbia University Voluntary Retirement Savings Plan, filed a Complaint against the Trustees of Columbia University in the City of New York (“Columbia”) and six individuals, Louis Bellardine, Lucinda Durning, Barbara Hough, William L. Innes, Dianne L. Kenney, and Jeffrey Scott (the “Individual Defendants”). Dkt. 5.

2. On January 24, 2017, this action was consolidated with a related action. Plaintiffs thereafter filed a Consolidated Amended Complaint against Columbia and the Individual Defendants. Dkt. 76-1.

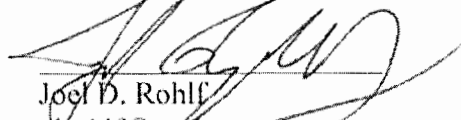
3. On August 28, 2017, the Court granted in part and denied in part Defendants’ motion to dismiss the Consolidated Amended Complaint. Dkt. 116.

4. On September 11, 2017, Columbia and the Individual Defendants filed an Answer to the Consolidated Amended Complaint. Dkt. 117.

THEREFORE, it is hereby stipulated, by and between Plaintiffs and the Defendants, through their undersigned attorneys, as follows:

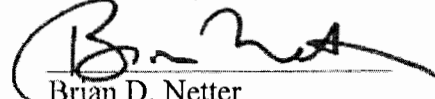
1. Plaintiffs hereby dismiss with prejudice all claims against the Individual Defendants.
2. To the extent the Court finds a breach of fiduciary duty under ERISA, 29 U.S.C. §§ 1132 and 1109, stemming from any of the claims alleged in the operative Consolidated Amended Complaint, and those ERISA fiduciary breach or prohibited transaction claims that may be alleged in any subsequently amended complaint accepted by the Court under the Federal Rules of Civil Procedure, in this lawsuit for conduct between August 17, 2010, through a date determined by the Court as the end of the class period, Columbia shall assume and be responsible for such liability irrespective of the particular acts of any of the Individual Defendants currently named in the Consolidated Amended Complaint. Columbia's assumption of liability in this stipulation shall be limited to the Individual Defendants. In making this stipulation, Columbia does not concede that any of the Individual Defendants engaged in any fiduciary activities or had any fiduciary responsibilities.
3. This stipulation is expressly entered into by the parties to avoid Plaintiffs' naming as defendants in this action the Individual Defendants and shall not foreclose Plaintiffs from seeking to amend the Consolidated Amended Complaint for any other purpose. Columbia reserves all rights to object to and oppose any such efforts to amend the Consolidated Amended Complaint.
4. The Individual Defendants agree not to challenge any subpoena for their appearance at trial in this matter on grounds not available to a party to the litigation.

Dated: October 18, 2018


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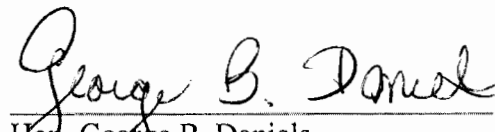
Attorney for Plaintiffs

Respectfully submitted,


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SO ORDERED THIS 19th DAY OF October, 2018


Hon. George B. Daniels
United States District Court Judge